

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Alan Doane, on February 1, 2017 at 8:00 AM, in Room 137 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Alan Doane, Chair (R)  
Rep. Seth Berglee, Vice Chair (R)  
Rep. Virginia Court, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Rep. Bob Brown (R)  
Rep. Jennifer Eck (D)  
Rep. Bill Harris (R)  
Rep. Ellie Hill Smith (D)  
Rep. Kathy Kelker (D)  
Rep. Casey Knudsen (R)  
Rep. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Shane A. Morigeau (D)  
Rep. Dale Mortensen (R)  
Rep. Zac Perry (D)  
Rep. Matt Regier (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Barry Usher (R)  
Rep. Kirk Wagoner (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Sara Fleming, Committee Secretary  
Helen Thigpen, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 327, 1/27/2017; HB 332, 1/27/2017  
Executive Action: HB 147, HB 148, HB 149, HB 268, HB 302, HB 236

**HEARING ON HB 327****Opening Statement by Sponsor:**

00:00:02 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 327, Revise juvenile justice laws.

**Proponents' Testimony:**

00:07:50 Rep. Bachmeier

00:09:55 Kelsen Young, Montana Coalition Against Sexual and Domestic Violence (MCASDV)

00:11:10 Sarah Kahn, Juvenile Detention Center, Missoula

[EXHIBIT\(juh23a01\)](#)

[EXHIBIT\(juh23a02\)](#)

[EXHIBIT\(juh23a03\)](#)

00:16:10 Bracha Tenenbaum, Self

[EXHIBIT\(juh23a04\)](#)

00:18:04 Mark Murphy, Montana County Attorneys Association (MCAA)

00:19:49 Judge John Larson, Missoula County

00:26:16 Beth Brennenman, Disability Rights Montana

00:29:37 SK Rossi, American Civil Liberties Union (ACLU)

**Opponents' Testimony:** None**Informational Testimony:**

00:30:39 Cindy McKenzie, Department of Corrections (COR)

**Questions from Committee Members and Responses:**

00:31:15 Rep. Hill Smith

00:31:50 Rep. Dudik

00:32:49 Judge John Larson, Missoula County

00:34:17 Rep. Dudik

00:34:40 Rep. Hill Smith

00:35:08 Cindy McKenzie, COR

00:35:57 Vice Chair Court

00:36:26 Rep. Dudik

00:37:21 Rep. Harris

00:38:36 Judge John Larson, Missoula County

00:40:14 Chair Doane

00:40:56 Judge John Larson, Missoula County

00:42:56 Chair Doane

00:43:03 Rep. Dudik

**Closing by Sponsor:**

00:43:17 Rep Dudik

**HEARING ON HB 332****Opening Statement by Sponsor:**

00:43:50 Rep. Kenneth Holmlund (R), HD 38, opened the hearing on HB 332, Revise maximum age of commitment for youth correctional facilities.

**Proponents' Testimony:**

00:49:48 Judge John Larson, Missoula County  
00:54:23 Beth Brenneman, Disability Rights Montana

**Opponents' Testimony:**

00:56:25 Cindy McKenzie, Department of Corrections (COR)

**Informational Testimony:**

01:11:52 Steve Gibson, Self  
01:20:36 Mark Murphy, Montana County Attorneys Association (MCAA)

**Questions from Committee Members and Responses:**

01:21:15 Vice Chair Court  
01:21:58 Steve Gibson, Self  
01:24:10 Rep. Kelker  
01:24:47 Judge John Larson, Missoula County  
01:28:40 Rep. Morigeau  
01:29:37 Judge John Larson, Missoula County  
01:31:57 Rep. Morigeau  
01:32:13 Steve Gibson, Self  
01:34:57 Rep. Hill Smith  
01:36:50 Beth Brenneman, Disability Rights Montana  
01:39:34 Rep. Manzella  
01:40:02 Cindy McKenzie, COR  
01:43:27 Rep. Eck  
01:43:48 Judge John Larson, Missoula County  
01:44:18 Rep. Eck  
01:45:05 Cindy McKenzie, COR  
01:51:21 Rep. McConnell  
01:52:07 Cindy McKenzie, COR  
01:53:41 Vice Chair Court  
01:54:26 Judge John Larson, Missoula County  
01:55:52 Rep. Bishop  
01:56:46 Cindy McKenzie, COR  
01:59:07 Chair Doane  
01:59:24 Cindy McKenzie, COR  
02:00:17 Chair Doane  
02:00:33 Steve Gibson, Self  
02:01:49 Rep. Eck left the meeting  
02:02:36 Rep. Wagoner left the meeting

**Closing by Sponsor:**

02:02:57 Rep. Holmlund

02:06:31 Recess  
02:26:47 Reconvene

### **EXECUTIVE ACTION ON HB 147**

**Discussion:**

02:27:16 Helen Thigpen, Legislative Services Division (LSD)

02:27:43 **Motion:** Rep. Berglee moved that **HB 147 DO PASS.**

02:27:54 **Motion:** Rep. Berglee moved that **HB 147 BE AMENDED.**  
[EXHIBIT\(juh23a05\)](#)

**Discussion:**

02:28:09 Helen Thigpen, LSD

02:29:18 Chair Doane

02:29:31 Rep. McConnell

02:29:58 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

02:30:28 **Motion/Vote:** Rep. Berglee moved that **HB 147 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

### **EXECUTIVE ACTION ON HB 148**

**Discussion:**

02:31:19 Helen Thigpen, LSD

02:31:45 **Motion:** Rep. Berglee moved that **HB 148 DO PASS.**

02:31:53 **Motion:** Rep. Berglee moved that **HB 148 BE AMENDED.**  
[EXHIBIT\(juh23a06\)](#)

**Discussion:**

02:32:04 Helen Thigpen, LSD

02:32:53 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

02:33:24 **Motion/Vote:** Rep. Berglee moved that **HB 148 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

**EXECUTIVE ACTION ON HB 149****Discussion:**

02:34:05 Helen Thigpen, LSD

02:34:31 **Motion:** Rep. Berglee moved that **HB 149 DO PASS.**

02:34:37 **Motion:** Rep. Berglee moved that **HB 149 BE AMENDED.**  
**EXHIBIT(juh23a07)**

**Discussion:**

02:34:55 Helen Thigpen, LSD

02:36:47 Rep. Zolnikov

02:41:14 Rep. McConnell

02:41:52 Rep. Zolnikov

02:43:34 Rep. Regier

02:43:48 Rep. Zolnikov

02:44:20 Rep. Bishop

02:44:59 Chair Doane

02:45:38 Rep. Zolnikov

02:45:55 Vice Chair Court

02:46:11 Rep. McConnell

02:46:53 Rep. Zolnikov

02:51:05 **Motion/Vote:** Rep. Berglee moved without objection to **POSTPONE ACTION ON HB 149.**

**EXECUTIVE ACTION ON HB 268****Discussion:**

02:51:35 Helen Thigpen, LSD

02:51:54 **Motion:** Rep. Berglee moved that **HB 268 DO PASS.**

02:52:01 **Motion:** Rep. Kelker moved that **HB 268 BE AMENDED.**  
**EXHIBIT(juh23a08)**

**Discussion:**

02:52:36 Helen Thigpen, LSD

02:54:35 Rep. Kelker

02:56:55 Rep. Sheldon-Galloway

02:58:38 Rep. Kelker

02:59:43 Rep. McConnell

03:00:25 Rep. Morigeau

03:00:41 Chair Doane

03:01:04 Rep. Kelker

03:02:55 **Vote:** Motion carried 18-1 by roll call vote with Rep. Doane voting no. Rep. Eck and Rep. Wagoner voted by proxy.

03:04:14     **Motion:** Rep. Berglee moved that **HB 268 DO PASS AS AMENDED.**

**Discussion:**

03:04:34     Rep. McConnell

03:06:15     Rep. Morigeau

03:08:00     Rep. B. Brown

03:09:20     Rep. Mortensen

03:09:56     Rep. Manzella

03:12:07     **Substitute Motion/Vote:** Rep. Manzella moved that **HB 268 BE TABLED.**  
Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck,  
Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep.  
Eck and Rep. Wagoner voted by proxy.

**Discussion:**

03:13:43     Rep. Morigeau

03:14:06     Chair Doane

**EXECUTIVE ACTION ON HB 302**

**Discussion:**

03:15:06     Helen Thigpen, LSD

03:15:38     **Motion/Vote:** Rep. Berglee moved that **HB 302 DO PASS.** Motion carried  
unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

**EXECUTIVE ACTION ON HB 236**

03:16:42     **Motion:** Rep. Berglee moved that **HB 236 BE REMOVED FROM TABLE.**

**Discussion:**

03:16:56     Helen Thigpen, LSD

03:17:19     Chair Doane

03:17:26     **Vote:** Motion carried 10-7 by roll call vote with Rep. Bishop, Rep. Court, Rep.  
Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep.  
Perry voting no.

03:19:29     **Motion:** Rep. Berglee moved that **HB 236 DO PASS AS AMENDED.**

**Discussion:**

03:19:50     Rep. Kelker

03:20:39     Vice Chair Court

03:21:17     Chair Doane

03:22:06     Rep. Manzella

03:22:51     Rep. McConnell

03:24:44     Rep. Harris

03:25:26     Rep. Morigeau

03:27:32     Chair Doane

03:27:56     Rep. Usher

03:29:06 Rep. Morigeau  
03:29:53 Rep. Hill Smith  
03:30:16 Helen Thigpen, LSD

03:30:26 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Wagoner voted by proxy.

**Committee Business:**

03:31:52 Chair Doane  
03:32:22 Rep. McConnell

**EXHIBIT(juh23a09)**

03:33:10 Chair Doane  
03:34:08 Vice Chair Court  
03:34:29 Chair Doane

**ADJOURNMENT**

Adjournment: 03:34:27

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Sara Fleming, Secretary

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Additional Documents:

**EXHIBIT([juh23aad.pdf](#))**